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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of)
Marcia Grossman Nozik et al.) Group Art Unit: 3739
Title: SLING HOLDER) Examiner: A. Roane
Serial No.: 10/759,713) Confirmation No. 3259
Filed On: January 16, 2004) (Docket No.: 6881-0001-1)

Middletown, Connecticut, November 21, 2006

Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This is a reply to an Examiner's Answer mailed on November 13, 2006, in the above-identified Appeal to the Board of Appeals.

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REMARKS

In the Examiner's Answer, the Examiner responds to the arguments set forth in the Appeal Brief and maintains his rejections, which are based on U.S. Patent No. 6,440,159 to Edwards et al. (hereinafter "Edwards"), U.S. Patent No. 5,823,984 to Silverberg (hereinafter "Silverberg"), U.S. Patent No. 5,507,794 to Allen (hereinafter "Allen"), and U.S. Patent No. to Noppel et al. (hereinafter "Noppel").

With regard to the rejection of claims 1-10 under 35 U.S.C. §102(e) as being anticipated by Edwards, the Examiner points out that claim 1 uses the transitional phrase "comprising," which is open-ended and does not exclude additional elements not recited in the claim, thereby allowing the claim to be read as possibly allowing additional elements. His concern is that "comprising a single fastener" allows the claim to be read as possibly having two fasteners, which would read on Edwards. The Examiner suggests that to close claim 1 to the addition of more elements it would be necessary to use the transitional phrase "consisting of" in place of "comprising."

Appellants respectfully disagree. While using "consisting of" would effectively close the claim to the inclusion of an additional fastener, doing so would also close the claim to the inclusion of additional straps and additional pockets, which Appellants believe to be undesirably narrowing. Appellants submit that while "comprising" takes on the appearance of opening the claim to an additional fastener, the explicit recitation of a "single" fastener should limit the claim to one fastener for the sole reason that it would be impossible (and nonsensical) to have more than one single fastener.

With regard to the rejection of claims 1-10 and 12-22 under 35 U.S.C. §103(a) as being unpatentable over Silverberg in view of Allen, and with regard to the rejection of claim 11 under 35 U.S.C. §103(a) as being unpatentable over Silverberg in view of Allen and further in view of Noppel, Appellants point out that the fasteners in the Silverberg device extend over the edges of a panel, and the adjustable securing member in the Allen device extends from one end of a support member.

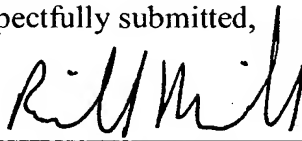
When fasteners or securing members extend over the edges of a panel or from an end of a support member, they are necessarily not within the perimeter of the panel or the support member. Accordingly, neither Silverberg nor Allen (individually or in combination) discloses a sling holder having a strap in which a fastener is positioned completely within the perimeter of the strap. For at least this reason, Appellants respectfully submit that the Examiner's rejections of claims 1-22 are in error.

For the reasons discussed above and in the Appeal Brief, Appellants maintain that this application is in a condition for allowance and thus reversal of the outstanding rejections and allowance of the application is appropriate.

If any charges are incurred with respect to this Reply Brief, they may be charged to Deposit Account No. 503342 maintained by Appellants' attorneys.

Respectfully submitted,

By



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